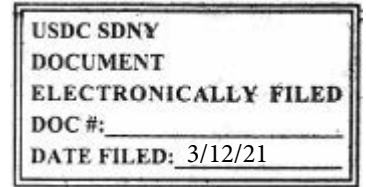


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Matthew McDermott,

Plaintiff,

—v—

NYFirestore.com, Inc.,

Defendant.

18-cv-10853 (AJN)

ORDER ADOPTING REPORT AND
RECOMMENDATION

ALISON J. NATHAN, District Judge:

On August 25, 2020, the Court referred this matter to Magistrate Judge Sarah L. Cave to conduct a damages inquest. Dkt. No. 32. On January 25, 2021, Judge Cave filed a Report & Recommendation (“R & R”) recommending that the Court award Plaintiff: (1) statutory damages in the amount of \$5,000.00; (2) attorneys’ fees in the amount of \$1,995.00; and (3) costs in the amount of \$400.00. Dkt. No. 39.

When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no timely objections to the R & R. *Banks v. Comm’r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at *1 (S.D.N.Y. May 27, 2020); *see also Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been

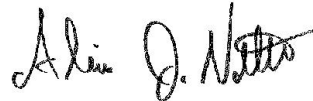
committed.” *Laster v. Mancini*, No. 07-CV-8265 (DAB) (MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

As of this date, no objections to the R & R have been filed, and the deadline for objections has passed. *See* R & R at 13. Thus, the Court reviews the R & R for clear error, and it finds none.

The Court therefore adopts the R & R in its entirety and awards Plaintiff: (1) statutory damages in the amount of \$5,000.00; (2) attorneys’ fees in the amount of \$1,995.00; and (3) costs in the amount of \$400.00. This resolves Dkt. No. 26. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

Dated: March 12, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is written above a horizontal line.

ALISON J. NATHAN
United States District Judge